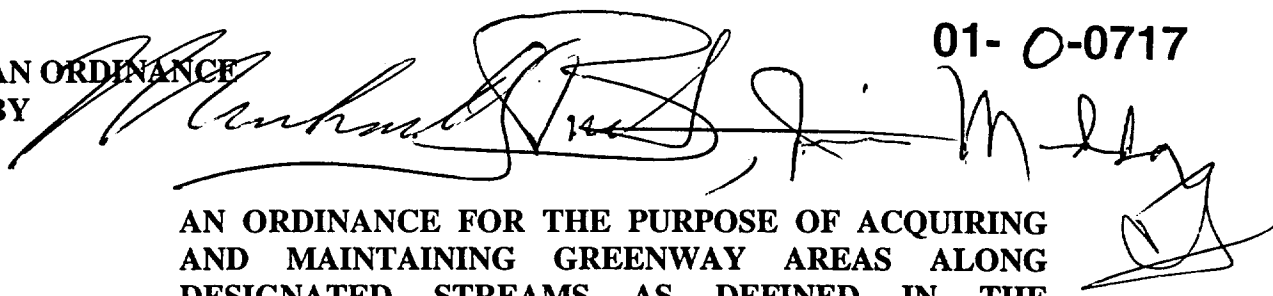


AN ORDINANCE  
BY

01-0-0717



AN ORDINANCE FOR THE PURPOSE OF ACQUIRING AND MAINTAINING GREENWAY AREAS ALONG DESIGNATED STREAMS AS DEFINED IN THE COMBINED SEWER OVERFLOW (CSO) CONSENT DECREE; TO AUTHORIZE TIMELY ACQUISITION OF PROPERTIES; TO WAIVE PROVISIONS OF SECTIONS 2-1541, 2-1543, 2-1544 AND 2-1545 OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY REGARDING REAL ESTATE ACQUISITIONS WHICH REQUIRE FURTHER AUTHORIZATION OF COUNCIL; TO AUTHORIZE THE MAYOR, THE PURCHASING AGENT, OR HIS OR HER DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS ON BEHALF OF THE CITY AND TO USE ALL MEANS NECESSARY TO ACQUIRE THE NECESSARY PROPERTY INTERESTS; TO AUTHORIZE THE PURCHASING AGENT TO OBTAIN THE LEGAL DESCRIPTIONS, TITLE REPORTS, APPRAISALS AND LAND SURVEYS NECESSARY TO NEGOTIATE AND ACQUIRE TITLE TO THE GREENWAY PROPERTIES; AND FOR OTHER PURPOSES.

**WHEREAS**, the Mayor entered into a Consent Decree, on behalf of the City, with the United States EPA, the Georgia EPD, the Chattahoochee Riverkeeper organizations and a private citizen committing the City to a program of activities designed to improve water quality in Metro Atlanta streams, the Chattahoochee River, and the South River; and

**WHEREAS**, the activities specified by the Consent Decree included a Supplemental Environmental Project (SEP) consisting in part of the City of Atlanta Greenway Acquisition Project; and

**WHEREAS**, a Greenway Acquisition Plan has been prepared according to the Consent Decree and submitted to EPA/EPD for approval; and

**WHEREAS**, according to the Consent Decree, the City is supposed to begin implementation of the Plan expeditiously so as to acquire and maintain greenway areas along designated streams; and

**WHEREAS**, preparing, managing, implementing and completing the Greenway Acquisition Plan, acquiring properties and conservation easements included within the Greenway

Acquisition Plan, restoring acquired properties in the Greenway Acquisition Plan to suitable condition, and paying the cost of all real property acquisitions in the scope of the Greenway Acquisition Plan (the "Greenway properties") are necessary and essential activities to fulfill the City's obligations under the Consent Decree; and

**WHEREAS**, the City has engaged the services of Consultants, and their subcontractors, to assist the City with the acquisition of the Greenway properties and to implement and complete the Greenway Acquisition Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** That the Mayor, or his designee, or the Purchasing Agent, is hereby authorized to negotiate with affected property owners to acquire the property interests necessary to complete the Greenway Acquisition Plan on behalf of the City.

**SECTION 2:** That the requirements of Sections 2-1541, 2-1543, 2-1544 and 2-1545 of the Procurement and Real Estate Code which require further authorization of Council are waived for acquisition of Greenway properties. The Purchasing Agent is hereby authorized to purchase the Greenway properties on behalf of the City without further authorization from Council as provided in this Ordinance.

**SECTION 3:** That the Purchasing Agent is authorized to obtain appraisals and surveys and to establish estimates of just compensation based thereon to be offered property owners in connection with the Greenway properties so as to provide reasonable compensation.

**SECTION 4:** That the City's consultants and their subcontractors are authorized to administratively settle acquisitions of the Greenway properties at an amount not to exceed five percent (5%) above the estimated just compensation. That the Purchasing Agent is authorized to administratively settle, without further authorization of City Council, those acquisitions of Greenway properties which exceed this administrative limit which the City's consultants cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed twenty percent (20%) above the estimated just compensation of affected Greenway properties.

**SECTION 4:** That the Purchasing Agent is hereby authorized to take the necessary actions to acquire the Greenway properties including but not limited to obtaining title reports, legal descriptions, and negotiating with property owners as provided in this Ordinance.

**SECTION 5:** That if negotiations with Greenway property owners are successful, the Mayor, or his designee, the Purchasing Agent are authorized to accept and execute options with such property owners at the agreed price on behalf of the City for the purchase of the necessary property interests without further authorization from Council.

**SECTION 6:** That the City Attorney is hereby authorized to take the necessary actions to monitor and supervise the closing transactions with affected Greenway property owners in cooperation with the City's consultants.

**SECTION 7:** That given the narrow window of opportunity to accomplish the necessary acquisitions of Greenway properties, the Mayor, or his designee the Purchasing Agent, and all appropriate City departments are urged to incorporate flexibility, and to act expeditiously in accomplishing the necessary activities specified in this Ordinance.

**SECTION 8:** That all costs associated with the activities specified in this Ordinance shall be charged to and paid from the appropriate Fund, Account, and Center Numbers.

01-0-0717

(Do Not Write Above This Line)

AN ORDINANCE BY: *[Signature]*  
AN ORDINANCE FOR THE PURPOSE OF  
ACQUIRING AND MAINTAINING GREENWAY  
AREAS ALONG DESIGNATED STREAMS AS  
DEFINED IN THE COMBINED SEWER OVERFLOW  
(CSO) CONSENT DECREE; TO AUTHORIZE  
TIMELY ACQUISITION OF PROPERTIES; TO  
WAIVE PROVISIONS OF SECTIONS 2-1541, 2-1543,  
2-1544 AND 2-1545 OF THE PROCUREMENT AND  
REAL ESTATE CODE OF THE CITY REGARDING  
FURTHER ACQUISITIONS WHICH REQUIRE  
AUTHORIZE THE MAYOR, THE PURCHASING  
AGENT, OR HIS OR HER DESIGNEE; TO  
NEGOTIATE WITH AFFECTED PROPERTY  
OWNERS ON BEHALF OF THE CITY AND TO USE  
ALL MEANS NECESSARY TO ACQUIRE THE  
NECESSARY PROPERTY INTERESTS; TO  
AUTHORIZE THE PURCHASING AGENT TO  
OBTAIN THE LEGAL DESCRIPTIONS, TITLE  
REPORTS, APPRAISALS AND LAND SURVEYS  
NECESSARY TO NEGOTIATE AND ACQUIRE  
TITLE TO THE GREENWAY PROPERTIES; AND  
FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 5/7/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION